

June 16, 2003

MEMORANDUM

SUBJECT: Use of Alternate Authorities to Address Corrective Action at RCRA Facilities

FROM: Robert Springer, Director / S /
Office of Solid Waste

TO: RCRA Senior Policy Advisors (Regions I - X)

Thank you for completing the request from Region 6 regarding use of alternate authorities to address corrective action at RCRA facilities. In keeping with Corrective Action Reforms I, I encourage you to continue those efforts. It is my opinion that this effort is also in keeping with the "One Cleanup" priority of Marianne Horinko. As the RCRA Corrective Action Program continues to focus resources on addressing the GPRA baseline facilities, one result could be unacceptable delay in addressing corrective action at non-baseline facilities. The use of alternate authorities to address corrective action at RCRA facilities is vital to ensure that all sites can be addressed in a timely manner. I have attached the map you completed that reflects the use of alternate authorities nationwide; we will place a copy on our web site and keep it up to date for interested parties.

The data from the Regions indicates that alternate State authorities are utilized at RCRA facilities in all ten regions and by two-thirds of the States. I also understand that progress in this area continues, and you expect that by next fall the number of States utilizing their alternate authorities at RCRA facilities may be even higher. I encourage you to continue in these efforts so that States with appropriate alternate cleanup authorities are able to utilize them to address RCRA facilities. (I recognize that some States do not have an alternate cleanup authority, so corrective action progress at facilities in those States will continue to depend solely on resources from the RCRA program.)

The information from Regions and States indicates they have some different approaches to utilizing alternate authorities. Some Regions and States have entered into formal agreements, which recognize up-front the alternate authority for use at RCRA facilities. For example, some have entered into MOUs, which set forth in detail how the alternate program will be utilized in

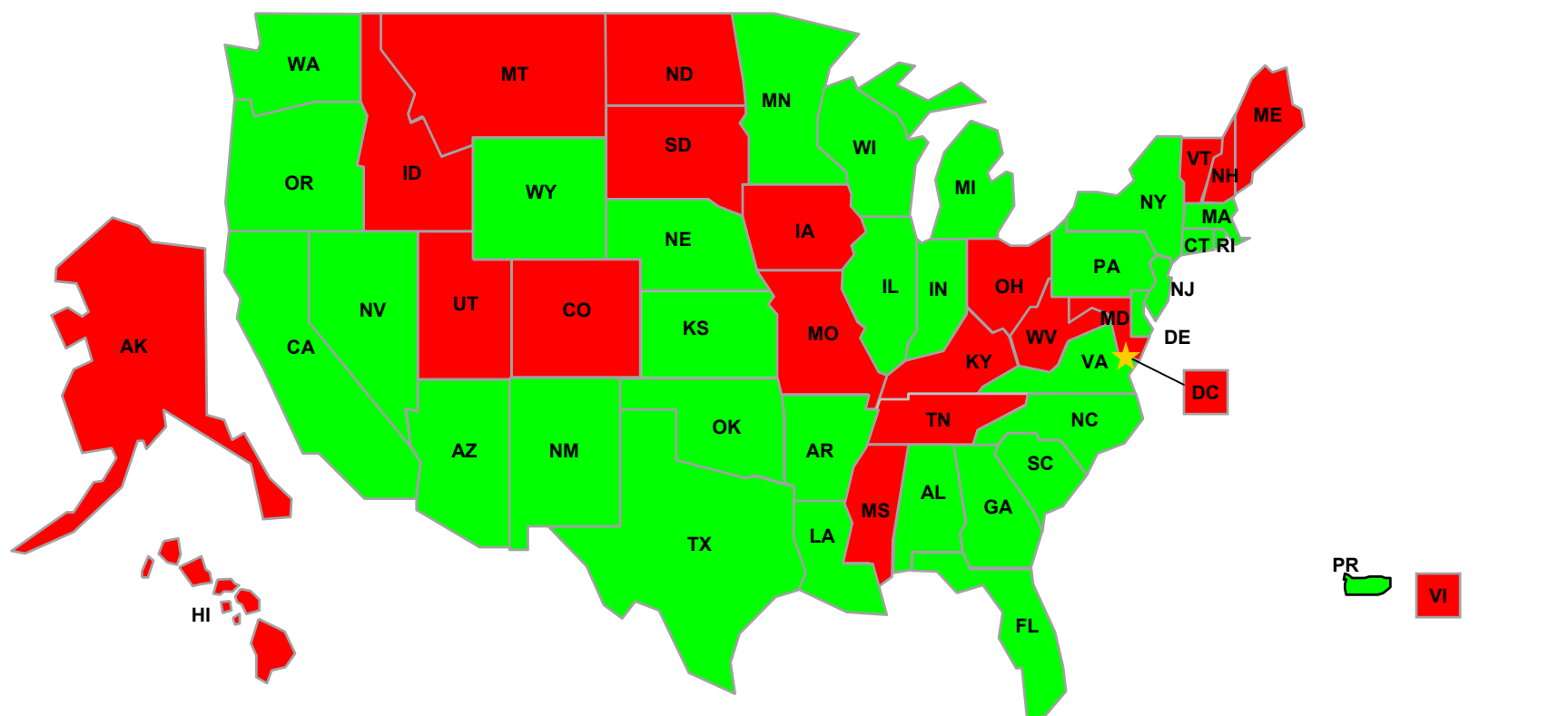
that State, and others have entered into Superfund MOAs, some of which address RCRA cleanups as well as Superfund. At the same time, some Regions and States have successfully worked together to recognize cleanups conducted at specific sites under an alternate authority without entering into a broad agreement. Each of these approaches and (perhaps) others can bring about oversight of timely cleanups at RCRA facilities where RCRA corrective action resources may not be available.



Your successes in this area will likely become of increasing interest to other groups, including the Cleanup Programs Council, as they continue to develop and promote cross-program strategies to make greater use of all available cleanup authorities to address contamination at all sites.

Thank you again for your efforts to date, with special thanks to the lead Region, Region 6, for its efforts. We offer our full support to you and the States as you work on this matter. Please let us know of any assistance we can provide.

Attachment

Availability of State Non-RCRA Cleanup Programs



-  State non-RCRA authorities available for cleanup
-  State non-RCRA authorities not available for cleanup